



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 24, 1992

Mr. Jeff Hankins
Program Division, Legal Services 110-1C
Texas Department of Insurance
P. O. Box 149104
Austin, Texas 78714-9104

OR92-76

Dear Mr. Hankins:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14802.

You have received a request for certain information concerning a particular insurance company. You have submitted to us for review only two documents, and thus, we limit our discussion of access under the Open Records Act to those two documents. You claim that those two documents are excepted from required public disclosure by sections 3(a)(1) and 3(a)(12) of the Open Records Act. We agree.

Section 3(a)(12) excepts from required public disclosure

information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and/or securities, as that term is defined in the Texas Securities Act.

Open Records Decision No. 158 (1977) at 5-6 held that insurance companies are included within the term "financial institutions" for purposes of section 3(a)(12). The document titled "Examination Report" and prepared by the examiner appointed by the Texas Commission of Insurance clearly falls within the section 3(a)(12)

exception and may be withheld. The document titled "Synopsis of Review" was prepared by the National Association of Insurance Commissioners. You advise that this synopsis was used by the Department of Insurance in its examination of the company. Thus the second document may also be withheld from required public disclosure under section 3(a)(12). Because we resolve this issue under section 3(a)(12), we need not address the applicability of section 3(a)(1) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-76.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/GK/lcd

Ref.: ID# 14802
ID# 14867

cc: Mr. Paul L. Sotherland
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